

REMARKS

Claims 26 and 35-39 are presently pending in this application. Claims 18-25, 27-34 and 40 have been canceled in this paper without prejudice. The applicants reserve the right to pursue the subject matter of the claims without the foregoing amendments, and/or in other forms, in a continuation application, and the applicants expressly do not disclaim any of the subject matter related to the foregoing amendments.

In the Advisory Action dated 2 April 2007, the Examiner did not enter the amendments to the claims set forth in the response filed on 26 March 2007. As such, the rejections of claim 18-25, 27-34 and 40 set forth in the Final Office Action dated 26 December 2007 are still outstanding. More specifically, the status of the application is as follows:

(A) Claims 18, 21-25, 28, 30, 31, 33, 34 and 40 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Application Publication No. 2002/0042205 to McMillin et al. ("McMillin"), which includes by reference in its entirety U.S. Patent No. 6,245,192 to Dhindsa et al. ("Dhindsa");

(B) Claims 19, 20 and 29 were rejected under 35 U.S.C. § 103(a) over McMillin;

(C) Claims 27 and 32 were rejected under 35 U.S.C. § 103(a) over the combination of McMillin and U.S. Patent No. 6,905,547 to Londergan et al. ("Londergan");

(D) Claims 26 and 35 were indicated as being allowable if rewritten independent form; and

(E) Claims 36-39 were allowed.

1. Response to the Section 102 and Section 103 Rejections

Claims 18-25, 27-34 and 40 were rejected over McMillin alone or in combination with Londergan. These claims have been canceled without prejudice, and therefore these rejections are now moot.

2. Allowable and Allowed Subject Matter

The applicants would like to thank the Examiner for (a) indicating that claims 26 and 35 are allowable and (b) allowing claims 36-39. In the Advisory Action, the amendments to the claims set forth in the previous response were not entered on the grounds that the independent features added to claim 35 were different than the features of previously pending independent claim 33. Without commenting on or conceding the merits of the Advisory Action, claims 26 and 35 have been rewritten in independent form in this paper to include the exact features of previously pending independent claims 18 and 33, respectively. The foregoing amendments do not change the scope of claims 26 and 35 in any manner, and thus the foregoing amendments cannot raise new issues that require a new search. The applicants accordingly request that the foregoing amendments be entered and that the application be reconsidered in light of the foregoing amendments. Upon entry of the foregoing amendments, the applicants respectfully request withdrawal of the objections to claims 26 and 35. Additionally, although the applicants agree that claims 26, 35 and 36-39 are patentable over the cited references, the applicants' attorney notes that the claims may be allowable for reasons other than those identified in the Office Actions. The applicants, therefore, do not concede that the Office Actions correctly characterize the terms of the claims and the prior art.

Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicants accordingly request reconsideration of the application and respectfully submit that all of the pending claims are in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Paul Parker at (206) 359-3258.

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE – Art Unit 1762

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Respectfully submitted,

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